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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,072	06/09/2005	Michael Gunzert	GUNZ3001/FJD	4277
23364 7590 04/11/2007 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			EXAMINER PRETLOW, DEMETRIUS R	
			ART UNIT	PAPER NUMBER
			2863	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/510,072

Applicant(s)

GUNZERT ET AL.

Examiner

Demetrius R. Pretlow

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-24 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-24 and 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 24 has the same limitations as claim 30.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 28 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 28, line 6-7 "for transferring digital data" is new matter; in claim 30, line 6-7 "digital data is transferred " is new matter; in claim 31, line 6-7 "digital data is transferred ".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Art Unit: 2863

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20-24,28,30 and 31 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a judicial exception; as such, pursuant to the Interim Guidelines on Patent Eligible Subject Matter (MPEP 2106), the claims must have either physical transformation and/or a useful, concrete and tangible result. The claims fail to include transformation from one physical state to another. Although, the claims appear useful and concrete, there does not appear to be a tangible result claimed. Merely selecting would not appear to be sufficient to constitute a tangible result, since the outcome of the selecting step has not been used in a disclosed practical application nor claimed as made available in such a manner that its usefulness in a disclosed practical application can be realized. As such, the subject matter of the claims is not patent eligible. See

<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm> .

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2863

Claims 28 is rejected under 35 U.S.C. 102(e) as being anticipated by Sunshine et al. (US 6,839,636). Sunshine et al. teach a central unit (computer 235) Note Figure 2.; Sunshine et al. teach at least one measurement module (sensors 201-205) connected to said central unit Note column 7, lines 60-63 and Figure 2; a multiplexer, wherein each measurement module is selectable by said central unit by a selection line. Note column 7, lines 60-62 and Figure 2; Sunshine et al. teach a multiplexer (225) Note Figure 2; Sunshine et al. teach wherein the module transmission lines are connectable with the inputs of said multiplexer. Note column 7, lines 60-62 and Figure 2; Sunshine et al. teach the output of said multiplexer is connectable with said central unit. Note column 7, lines 60-63 and Figure 2. Sunshine et al. teach computer controls said multiplexer. Note column 7, line 63. This suggests that multiplexer is controllable via selection line. Note column 7, lines 63-64 and Figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunshine et al. (US 6,839,636) in view of Brobeil (US 5,402,685). In reference to claim 30, Sunshine et al. teach providing a selection line for each measurement module over

Art Unit: 2863

which digital data is transferred; Note column 7, lines 60-62 and Figure 2. Sunshine et al. teach selecting a measurement module by the central unit and a selection line, Note column 7, lines 60-62 and Figure 2..Sunshine et al. teach different measuring modules are selected for different selection times periodically by the central unit; Note column 7, lines 60-64.

Sunshine et al. does not teach the selection times are changed.

Brobeil teach the selection times are changed (selectable time intervals). Note column 6, lines 17-24.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention Sunshine et al. to include the teaching of Brobeil because it would allow the measurements to be programmed for specific time periods.

In reference to claim 20, Sunshine et al. teach controlling a multiplexer by the selection lines such that data transmitted over a module transmission line of the selected measurement module are forwarded via the multiplexer to the central unit. Note column 7, lines 59-64.

In reference to claim 21, Sunshine et al. teach transmitting data transmitted from the central unit over a central transmission line to all measurement modules. Note column 5, lines 17-19.

In reference to claim 22, Sunshine et al. teach utilizing data sent from the central unit only in the measurement module selected by means of a selection line. Note abstract lines 8-10.

Art Unit: 2863

In reference to claim 23, Sunshine et al. teach measuring modules are selected for different selection times periodically by the central unit; Note column 7, lines 60-64.

In reference to claim 24, Sunshine et al. teach different measuring modules are selected for different selection times periodically by the central unit; Note column 7, lines 60-64.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sunshine et al. (US 6,839,636) in view of Boehr et al. (US 2003/018461). In reference to claim 31, Sunshine et al. teach providing a selection line for each measurement module over which digital data is transferred; Note column 7, lines 60-62 and Figure 2. Sunshine et al. teach selecting a measurement module by the central unit and a selection line, Note column 7; lines 60-62 and Figure 2..Sunshine et al. teach different measuring modules are selected for different selection times periodically by the central unit; Note column 7, lines 60-64.

Sunshine et al. does not teach the measurement modules are selected a plurality of times within one cycle.

Boehr et al. teach the measurement modules are selected a plurality of times within one cycle. Note paragraph 29, lines 5-7.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Sunshine et al. with the teaching of Boehr et al. because it would create a training set. Note paragraph 29, lines 5-8.

Response to Arguments

Applicant's arguments filed January 17, 2007 have been fully considered but they are not persuasive. Applicant argues claim 28 also includes selection lines used for multiplexer control. These lines are not disclosed in Sunshine et al. Examiner point out that Sunshine et al. teach computer controls said multiplexer. Note column 7, line 63. This suggests that multiplexer is controllable via selection line. Note column 7, lines 63-64 and Figure 2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (571) 272-2278. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/510,072

Page 8

Art Unit: 2863

Demetrius R. Pretlow

Demetrius 4/5/07

Patent Examiner

Michael N. Nweli
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PRIMARY EXAMINER